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10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA  
12 WESTERN DIVISION  
13

14 SUMMIT ENTERTAINMENT, LLC, a  
15 Delaware limited liability company,

16 Plaintiff,

17 v.

18 HEATHER DEHART, an individual,  
19 COLLEEN VAUGHAN, an individual,  
CAROLINE ARVELIN, an individual,  
20 and JOHN DOES 2-10,

21 Defendants.  
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Case No.: CV:10-1510 SJO (VBKx)

**FINAL JUDGMENT UPON  
CONSENT AS TO DEFENDANT  
HEATHER DEHART**

1 Plaintiff Summit Entertainment, LLC (“Plaintiff” or “Summit”), having filed a  
2 Third Amended Complaint in this action charging defendant Heather DeHart  
3 (“Defendant DeHart”), and other defendants, with Federal Copyright Infringement,  
4 and Summit and Defendant DeHart (Summit and Defendant DeHart are hereinafter  
5 collectively referred to as the “Parties”) desiring to settle the controversy between the  
6 Parties, it is

7 **ORDERED, ADJUDGED AND DECREED** as between the Parties hereto  
8 that:

9 1. This Court has jurisdiction over the Parties to this action and over the  
10 subject matter hereof pursuant to 17 U.S.C. § 501, 28 U.S.C. § 1331, and § 1338(a).  
11 Service was properly made against Defendant DeHart.

12 2. Summit produces and distributes feature films, including the popular  
13 “Twilight Saga” films. The feature film “The Twilight Saga: Eclipse” (the “Film”) is  
14 the third installment in the “Twilight Saga” franchise.

15 3. Summit owns all images and elements contained in the “Twilight Saga”  
16 films, including without limitation the Film, which are entitled to protection under  
17 federal copyright law.

18 4. In particular, Summit owns promotional still photographs featuring  
19 characters and elements of the Film (the “Photographs”) that were created for Summit  
20 as works for hire. Summit intended to strategically release a carefully-selected subset  
21 of the Photographs to the public as part of its marketing strategy for the Film prior to  
22 its theatrical release.

23 5. At all relevant times, Summit has owned all right, title, and interest in  
24 and to the Film and the Photographs, including without limitation the copyrights  
25 therein.

26 6. Summit complied in all respects with Title 17 of the United States Code,  
27 and in compliance with the law obtained a federal copyright registration for the  
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1 Photographs under federal Copyright Registration No. VAu001013359. The  
2 copyright is valid, subsisting and in full force and effect.

3 7. Defendant DeHart infringed Summit's rights in the Film and the  
4 Photographs by reproducing and distributing unauthorized copies of a number of the  
5 Photographs. Specifically, Defendant DeHart uploaded certain Photographs to the  
6 Internet site Twitpic.com for distribution via Internet messaging service Twitter.com,  
7 without authorization from Summit. Defendant DeHart began publicly distributing  
8 the Photographs through these Internet sites on or about February 14, 2010.

9 8. Defendant DeHart's reproduction and distribution of copies of the  
10 Photographs was without authorization and was without Plaintiff's consent.  
11 Defendant DeHart acted with willful and intentional and/or reckless disregard of  
12 Plaintiff's copyrights and Plaintiff sustained substantial damage as a result thereof. In  
13 particular, Defendant DeHart's unauthorized distribution of the Photographs  
14 undermined Summit's ability to use the Photographs in the most effective manner,  
15 thereby irreparably damaging Summit's efforts to market the Film.

16 9. Defendant DeHart's conduct violated Summit's intellectual property  
17 rights and Defendant DeHart is liable for the claim of Federal Copyright Infringement  
18 asserted in Summit's Third Amended Complaint in this matter.

19 10. Defendant DeHart and her affiliates, agents, servants, employees,  
20 representatives, successors, assigns, and any person, corporation or other entity acting  
21 under Defendant DeHart's direction or control, or in active concert or participation  
22 with Defendant DeHart, are immediately and permanently enjoined throughout the  
23 world from:

24 a. Using, reproducing, distributing, selling or offering for sale, any  
25 reproduction, counterfeit, or copy of the Photographs that were created for the purpose  
26 of marketing, advertising and promoting the release and distribution of the Film or  
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1 other images, films, motion pictures, or other intellectual property owned by Summit;  
2 and

3           b.     Effecting assignments or transfers, forming new entities or  
4 associations or utilizing any other device for the purpose of circumventing or  
5 otherwise avoiding the prohibitions set forth herein; and

6           c.     Breaching any agreement with Summit, including without  
7 limitation the Settlement Agreement between the Parties in this litigation.

8           11.    The jurisdiction of this Court is retained for the purpose of making any  
9 further orders necessary or proper for the construction or modification of this  
10 Judgment and the Settlement Agreement between the Parties, the enforcement of this  
11 Judgment and the terms of the Settlement Agreement between the Parties which  
12 provides for a confidential settlement payment, and the punishment of any violations  
13 thereof.

14           12.    This Judgment shall be deemed to have been served upon Defendant  
15 DeHart at the time of its execution by the Court.

16           13.    The Court expressly determines that there is no just reason for delay in  
17 entering this Judgment, and pursuant to Rule 54(b) of the Federal Rules of Civil  
18 Procedure, the Court directs entry of judgment against Defendant DeHart.

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14. This Judgment is a final judgment, entered against Defendant DeHart pursuant to Federal Rule of Civil Procedure 54(b). This Judgment is not and shall not be deemed to be a judgment as to any of Summit's claims against any defendants in this litigation other than Defendant DeHart.

**The stipulations contained in the Stipulation Regarding Entry of Final Judgment bind only the parties to the stipulation.**

2/16/11

5. James Otis

Dated \_\_\_\_\_, 2011

Honorable S. James Otero  
United States District Court Judge

Presented by:

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Dennis L. Wilson  
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## CONSENTS

The undersigned hereby consents to the entry of Final Judgment Upon Consent.

Dated \_\_\_\_\_, 2011

Heather DeHart